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Paper No. *15*

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OFFICE OF PETITIONS

In re Application of :
Kazuhiro Okada :
Application No. 09/885,620 :
Filed: June 20, 2001 :
Attorney Docket No. U013510-6 :

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 7, 2003, to withdraw the above-identified application from issue after payment of the issue fee.

It is noted that the petition indicates that the \$130.00 petition fee is attached in the form of a check therefor; however, no check was found attached. Accordingly, the \$130.00 petition fee is being charged to counsel's deposit account.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 26, 2002, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

After receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 2856 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Sherry D. Brinkley
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¹The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to timely request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**